

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOME-A-NATION, LLC,

Plaintiffs,

v.

ORDER

BLUE SKY INTERNATIONAL, INC.
and TURF NATION, INC,

No. 20-CV-05862 (PMH)

Defendants.

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PHILIP M. HALPERN, United States District Judge:

On October 14, 2020, the Court issued a Notice requiring the parties to file a proposed civil case discovery plan and scheduling order no later than seven days before the initial pretrial conference. (Doc. 12). The initial pretrial conference is scheduled for November 18, 2020 at 10:30 a.m. (*Id.*).

On August 12, 2020, Plaintiff filed a waiver of service returned executed by Mark T. Sophocles, Esq. on behalf of defendant Blue Sky International, Inc., which required that defendant to answer or otherwise move with respect to the complaint within 60 days from August 10, 2020. (Doc. 8). On August 17, 2020, Plaintiff filed an affidavit of service stating that defendant Turf Nation, Inc. was served on August 12, 2020. (Doc. 9). Defendant Blue Sky International, Inc. was required to respond to the Complaint by October 9, 2020 (Doc. 8); and defendant Turf Nation, Inc. was required to respond to the Complaint by September 2, 2020 (Doc. 9).

Defendant Blue Sky International has not appeared in this case nor timely responded to the Complaint. On August 31, 2020, an unsigned letter from Sid O. Nicholls, who describes himself as President of defendant Turf Nation, Inc., was docketed in this action. (Doc. 10). The letter is characterized as a “Reply on Behalf of Turf Nation Inc. to Being Named as a Defendant in a Law Suit Between Dome-A-Nation, LLC & Blue Sky International, Inc.” (*Id.*).

To the extent the August 31, 2020 letter was a request by Mr. Nicholls to proceed *pro se* on behalf of defendant Turf Nation, Inc., that request is DENIED. A corporation, which is an artificial entity, may only appear in federal court through a licensed attorney; a corporation may not appear *pro se*. See 28 U.S.C. § 1654; *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993); *Jones v. Niagara Frontier Transp. Authority*, 722 F.2d 20, 22–23 (2d Cir. 1983). This “rule has been applied to dismiss any action or motion filed by a corporation purporting to act *pro se*.” *Grace v. Bank Leumi Trust Co. of NY*, 443 F.3d 180, 192 (2d Cir. 2006). “[W]here a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it pursuant to Rule 55, Fed. R. Civ. P.” *Id.* (internal quotation marks and alterations omitted).

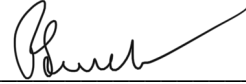
Defendant Turf Nation, Inc. must obtain representation through a licensed attorney to appear in this case and the failure to do so may constitute grounds for entry of default judgment under Federal Rule of Civil Procedure 55. See *City of New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 130 (2d Cir. 2011); *Grace*, 443 F.3d at 192; *Eagle Associates v. Bank of Montreal*, 925 F.2d 1305, 1310 (2d Cir. 1991).

Accordingly, it is hereby ordered that, if Plaintiff is in communication with Defendants, the parties shall file the proposed civil case discovery plan and scheduling order by November 16, 2020. If Defendants refuse to cooperate in the preparation of these documents, Plaintiff shall prepare and file them. If Plaintiff is not in communication with Defendants, no later than November 16, 2020, Plaintiff shall file a letter (1) requesting adjournment of the initial pretrial conference, and (2) proposing a date prior to the conference to present an Order to Show Cause for default judgment and related papers as provided in the Court's Individual Rules.

Plaintiff is directed to serve a copy of this Order on Defendants, and shall file proof of such service no later than November 24, 2020.

Dated: New York, New York
November 10, 2020

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge